IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.7024 OF 2005

Ravindra Ramchandra Mhatre .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Shirish Gupte, Senior Advocate with Mr.Sudeep Pasbola for applicant
Mr.K.V.Saste, A.P.P. for State
Mr.Rishi Bhuta for complainant.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 14th November 2005.

P.C.

. This is an application for anticipatory bail. Mr.Gupte, learned Senior Counsel appearing in support submits that pursuant to an order passed on 30th September 2005 in criminal writ petition No.1979 of 2005 and at the instance of the petitioner therein, subject C.R. bearing No.1315 of 2005 has been registered at Thane City

Police Station.

2. Offences alleged are of cheating and forgery with respect to furnishing false details while seeking registration of motor vehicle.

3. In the submission of Mr.Gupte, the authority registering the motor vehicle in question has issued show cause notice, on a complaint made to it by one Manish Mashelkar who is also petitioner in the criminal writ petition referred to above. The show cause notice calls upon the applicant to show cause as to why the documents in support of the applicantion for registration of the motor vehicle should not be disbelieved completely and further steps in accordance with law be not initiated. Mr.Gupte states that in reply to the show cause notice, applicant has admitted that he has purchased the vehicle in question from the dealer and he furnished to the dealer all necessary forms and

applications duly filled in. He admits that a false address was submitted while seeking registration of vehicle. This mistake is owned by the applicant and he has agreed to pay necessary fine for furnishing incorrect and false details pertaining to his residential address. After that the octroi duty has been recovered and the registration of vehicle has been regularised.

4. He submits that all necessary particulars including certificates and documents pertaining to the vehicle are already in possession of concerned police authorities. He submits that custodial interrogation is not necessary. He also invites my attention to the fact that the complainant is a relation of two victims who were knocked down by subject vehicle and an offence has been registered at Vile Parle police station against applicant. He had been arrested pursuant to the same and enlarged on bail. This Court has permitted the applicant in criminal writ petition

to move appropriate court and seek alteration of charges if otherwise permissible in law. For all these reasons he submits that custodial interrogation is unnecessary and since the applicant is willing to cooperate, ad-interim order granted by this Court be confirmed and the applicant be directed to be enlarged on bail in the event of his arrest.

5. I have heard learned A.P.P. He does not dispute the fact that documents have indeed been furnished including the details of the show cause notice and the amounts paid. The applicant has complied with all the conditions imposed by this Court and has attended police station as and when summoned.

6. Mr.Bhuta, who seeks to intervene for the complainant invites my attention to the fact that merely because the applicant has paid fine and regularised the registration, does not mean that

he is absolved of the serious charges levelled against him of cheating and forgery. He has committed serious offences of cheating public authorities. He submits that the blame is now being shifted on the dealer.

7. In my view, considering the fact that the offence arises out of alleged furnishing of false particulars while seeking registration of the motor vehicle and all documents pertaining to the vehicle having been siezed, this is not a case where custodial interrogation would be necessary. On the other hand, it appears that when the said vehicle was involved in an accident, offence pertaining to the same was registered and the applicant released on bail, further, he being ready and willing to cooperate with the investigating agency, no useful purpose would be served by his detention in custody. Accordingly following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.151 of 2005 registered at Thane City police station, he shall be released on bail in the sum of Rs.10,000/- with two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the concerned Thane City police station once in a week till filing of charge sheet between 5.00 p.m. to 7.00 p.m.

iii) Bail is granted subject to condition that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him soas to dissuade him from disclosing such facts to the court or to the police officer/

investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in the above terms.

vii) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)